



TOWN OF WESTBOROUGH  
MASSACHUSETTS  
Conservation Commission

Forbes Municipal Building  
45 West Main St.  
Westborough, MA 01581  
(508) 366-3014

DATE: June 13, 2023

RE: Minutes of Meeting of June 6, 2023

Members Present: Chairman Koenigsberg, Member Buckalew, Member Henry, Member Kessler, Member Kelley, Member Lundberg

Members Absent: Member Cushing

Conservation Staff Present: Jennifer Miller; Conservation Director, Leah Grigorov; Conservation Assistant

**Public Hearing – Wetland Protection Bylaw**

Chairman Koenigsberg read the legal ad for this hearing.

Chairman Koenigsberg gave a brief recap of the work the Non-Zoning Wetlands Protection Bylaw (Bylaw) review working group has done over the past few months. He explained the process of going through the Bylaw prior to the Wetlands Protection Bylaw Regulations (Regulations) as the Bylaw will need to go to Special Town Meeting.

Director Miller presented the revisions to the Bylaw<sup>1</sup> with track changes visible.

Member Kessler asked if the items marked as “move to Regulations” have since been moved. Chairman Koenigsberg answered that no, the intent was to complete the Bylaw review first, get an agreement from the Commission, then start on the Regulations. Member Kessler expressed concerns about approving putting the Bylaw on the Warrant Article for Fall Town Meeting without having the regulations done as well. Member Lundberg explained that the Warrant can always be pulled at last minute if the Commission is not comfortable with what is proposed. Chairman Koenigsberg and Member Buckalew agreed with Member Lundberg and felt comfortable moving forward. Director Miller added that once the Commission agrees on the Bylaw as revised, it will be re-submitted to the contractor General Code, and submitted to Town Counsel in case either have additional comments. Member Kessler felt comfortable moving forward with the understanding that there is going to be additional review.

Chairman Koenigsberg proceeded to go through the proposed bylaw revisions section by section, asking the Commission to supply additional comments or discussion if any.

The Commission discussed the language from new formed section 13 “Relation to the Wetlands Protection Act”. Member Lundberg explained that the language here feels more like preamble language and felt that it should be moved to section 1 “Purpose”. He also showed concerns about the language stating that the Bylaw shall be interpreted stricter than the Wetlands Protection Act and how somebody can argue that they were treated unfairly. Member Buckalew agreed with Member Lundberg’s concern. Member Lundberg suggested reviving the struck out subsection B from section 1, and strike out section 13 altogether. He then suggested retitling section 1 “Purpose and Relation to the Wetlands Protection Act”

**Chairman Koenigsberg made a motion to leave paragraph B of section 1 in place as written, delete section 13 as redundant, and retitle section 1 to read “Purpose and Relation to the Wetlands Protection Act”. Member Buckalew seconded the motion and it passed with a 6-0 vote.**

Member Buckalew expressed desire to keep subsection B in section 2 “Jurisdiction” which references agricultural use. He explained that while it is repetitive, sometimes repetition can be a good thing and feels that this is one of those cases.

**Member Buckalew made a motion to keep subsection B under section 2 “Jurisdiction” as written. Member**

**Kelley seconded the motion and it passed with a 6-0 vote.**

Conservation Assistant Grigorov asked the Commission about subsection D in section 4 "Exemptions" and whether exemptions in the Wetlands Protection Act should or should not apply if they are not otherwise stated in the Bylaw or Regulations. She further explained that the Commission has always treated it as "should not", and it was likely a typo when the original Bylaw was passed. Chairman Koenigsberg agreed that he believed this was a typing error. The Commission showed agreement to adding the word "not".

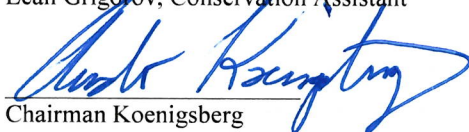
**Member Kelley made a motion to approve these revisions as discussed this evening. Member Buckalew seconded the motion and it passed with a 6-0 vote.**

Adjourn

**Member Kelley made a motion to adjourn the meeting. Member Buckalew seconded the motion and it passed with a 6-0 vote.**

The meeting was adjourned at 8:30 PM.

Respectfully Submitted,  
Leah Grigorov, Conservation Assistant

  
Chairman Koenigsberg

**Materials submitted for and referenced in this meeting:**

1. "Bylaw. Track Changes 2023" with most recent revisions dated May 9, 2023  
"Bylaw. Clean Edits.2023" with most recent revisions dated May 9, 2023.